

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRELL B. SULLIVAN,

Defendant.

**4:18CR3151**

**MEMORANDUM AND ORDER**

The government filed a motion to reduce Mr. Sullivan's sentence pursuant to Rule 35(b). I granted the motion reducing his sentence to 186 months, down from a term of imprisonment of 262 months. Originally, Mr. Sullivan's sentence was 262 months, he had a total offense level of 34, and a criminal history category of VI. At about the same time, he filed a motion for compassionate release.

Considering all of the provisions of 18 U.S.C. § 3553(a) and such other relevant legal notions, the compassionate release motion (Filing 88; Filing 90), the Bureau of Prisons medical records (Filing 94), the government's brief in opposition (Filing 101), the defendant's brief in support (Filing 110), and the Probation Office's recommendation against granting compassionate release (Filing 95), I now deny his motion for compassionate release. Mr. Sullivan remains a significant danger to the community and he has received two shots of the Moderna vaccine for the COVID-19 disease. He is currently in the custody of the Bureau of Prisons in Leavenworth, Kansas, where the Probation Office indicates that there is one inmate and five staff members who are subject to the disease. Mr. Sullivan wishes to reside with his sister who he has not seen for 11 years. Despite that fact, his sister is willing to take him.

Given the fact that I have reduced the defendant's sentence massively, that he has been vaccinated for COVID-19, and that he resides at a fairly safe federal institution with a low count of inmates subject to COVID-19, it is wrong to grant the

defendant the relief he requests. It is true that Mr. Sullivan's health rises to the level of potentially qualifying for compassionate release due to hypertension, sleep apnea, hyperlipidemia and obesity. Given the fact that he has been well treated for these diseases, Mr. Sullivan's request for release aside from COVID-19 is unavailing as well.

IT IS THEREFORE ORDERED that the motion for compassionate release (Filing 88; Filing 90) is denied.

Dated this 9th day of August, 2021.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge